

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKKORANE WOMACK # 05B0022

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

C.O. John Doe Lampon, C.O. William Stevens,
C.O. Keith Chase, C.O. Clifford Gunsett, C.O.
Justine Grover, C.O. John Doe Palmer, C.O. John Doe
Cabrera, C.O. John Doe Brothers, C.O. John Doe Blake,
Sgt. John Doe Buonato, Sgt. Steven Walrath,
Lt. Susan Hahn, RN. Debbie Gwaltney, Mental
Health Nurse Jane Doe, Individually and in
their official capacities.

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

COMPLAINT

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)Jury Trial: ☐ Yes ☐ No
(check one)RECEIVED
SCNY PRO SE OFFICE
2015 JUL 28 A 11:34

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name Korane WomackID # 05B0022Current Institution Upstate Correctional FacilityAddress P.O. Box 2001
Malone, New York 12953

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name C.O. John Doe Lampon Shield # _____Where Currently Employed Green Haven Corr. FacilityAddress 594 Route 216Stormville, New York 12582

Defendant No. 2 Name C.O. Justine Grover Shield # _____
 Where Currently Employed Green Haven Corr. Fac.
 Address 594 Route 216
Stormville, New York 12582

Defendant No. 3 Name C.O. William Stevens Shield # _____
 Where Currently Employed Green Haven Corr. Fac.
 Address 594 Route 216
Stormville, New York 12582

Defendant No. 4 Name C.O. Clifford Gunsett Shield # _____
 Where Currently Employed Green Haven Corr. Fac.
 Address 594 Route 216
Stormville, New York 12582

Defendant No. 5 Name C.O. Keith Chase Shield # _____
 Where Currently Employed Green Haven Corr. Fac.
 Address 594 Route 216
Stormville, New York 12582

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?

Green Haven Correctional Facility

B. Where in the institution did the events giving rise to your claim(s) occur?

Inside A-Block and A-Block hallway. (Corridor)

C. What date and approximate time did the events giving rise to your claim(s) occur?

December 7, 2013 Approx. 9:20 A.M.

Parties in this Complaint: Continuation

Defendant NO. 6 Name ^{John Doe} C.O. Blake
Where currently Employed GreenHaven Corr. FAC.
Address 594 Route 216
Stormville, New York 12582

Defendant NO. 7 Name ^{John Doe} C.O. Brothers
Where currently Employed GreenHaven Corr. FAC.
Address 594 Route 216
Stormville, New York 12582

Defendant NO. 8 Name ^{John Doe} C.O. Cabrera
Where currently Employed GreenHaven Corr. FAC.
Address 594 Route 216
Stormville, New York 12582

Defendant NO. 9 Name ^{John Doe} C.O. Palmer
Where currently Employed GreenHaven Corr. FAC.
Address 594 Route 216
Stormville, New York 12582

Defendant NO. 10 Name Sgt. Steven Walrath
Where currently Employed GreenHaven Corr. FAC.
Address 594 Route 216
Stormville, New York 12582

Parties in this Complaint: Continuation

Defendant No. 11 Name ^{John Doe} Sgt. Buonato
Where currently Employed Green Haven Corr. Fac.
Address 594 Route 216
Stormville, New York 12582

Defendant No. 12 Name Lt. Susan Hahn
Where currently Employed Green Haven Corr. Fac.
Address 594 Route 216
Stormville, New York 12582

Defendant No. 13 Name Registered Nurse Debbie ~~G~~waltney
Where currently Employed Green Haven Corr. Fac.
Address 594 Route 216
Stormville, New York 12582

Defendant No. 14 Name Mental Health Nurse Jane Doe
Where currently Employed Green Haven Corr. Fac.
Address 594 Route 216
Stormville, New York 12582

D. Facts: _____

What
happened
to you?

See Complaint

Who did
what?Was
anyone
else
involved?Who else
saw what
happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. I suffered 9th and 10th rib fractures, a collapsed right lung, L1, L2 endplate deformities. Fractures to my left 3rd, 4th, 5th Metacarpals in my hand. Had Surgery on my left hand, Screws, pins and plates inserted in my left hand. Chest tube inserted into my right lung, through my rib cage.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☒ No ☐

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s). Green Haven Correctional Facility

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☐ No ☐ Do Not Know ☒

If YES, which claim(s)? _____

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☐ No ☒

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☒ No ☐

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance? Sullivan Correctional Facility

1. Which claim(s) in this complaint did you grieve? Two grievance complaints, The harassment retaliation complaint and the actual assault grievance.
2. What was the result, if any? C.O.R.C. denied both Grievance complaints.

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. I appealed both Grievances and exhausted both Grievances, complaints. (See Exhibits #1, #2, #3)

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: _____

2. If you did not file a grievance but informed any officials of your claim, state who you informed, _____

when and how, and their response, if any: _____

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. On my main Grievance, the basis of my lawsuit
(Exhibit #3 Grievance No. Sul 21180-13) was exhausted, but
I never received a response/decision from Central Office Review
Committee, due to the fact I was released to Society, the
C.O.R.C. response is on file.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). The relief I'm seeking is 1.5 Million
in damages for the pain and suffering I endured, including the future
pain and suffering. The fact that I was intentionally, maliciously
assaulted by numerous staff the injuries I sustained are permanent
and will remain with me for the rest of my life. Also, the nightmares
that forever will effect me from that horrible day of December 7,
2013. I am unable to perform work that's strenuous and I have
to have a second surgery on my left hand in the near future.

VI. Previous lawsuits:

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes _____ No ☒

On
these
claims

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?
Yes _____ No ☒

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 24 day of July, 2015.

Signature of Plaintiff Korane Womack
Inmate Number #05B0022
Institution Address Upstate Correctional Facility
P.O. Box 2001
Malone, New York 12953

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 24 day of July, 2015, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: Korane Womack

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KORANE WOMACK

Plaintiff,

V.

C.O. John Doe Lampon, C.O. William Stevens, C.O. Keith-
Chase, C.O. Clifford Gunsett, C.O. Justine Grover, C.O. John-
Doe Palmer, C.O. John Doe Cabrera, C.O. John Doe Brothers,
C.O. John Doe Blake, Sgt. John Doe Buonato, Sgt. Steven
Walrath, Lt. Susan Hahn, RN. Debbie Gwaltney, Mental
Health Nurse Jane Doe Individually and in their official
Capacities.

Defendants.

COMPLAINT
under the

Civil Rights Act, 42
U.S.C. § 1983

(Prisoner Complaint)

Jury Trial ☒ Yes

Demanded

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CLERK PRO SE OFFICE
2015 JUL 28 A 11:35

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action under 28 U.S.C. Sections 1331 and 1343(3) and (4). The matters in controversy arise under 42 U.S.C. Section 1983
2. Venue properly lies in this District Pursuant to 28 U.S.C. Section 1391(b)(2), because the events giving rise to this cause of action occurred at Green Haven Correctional Facility ("Green Haven") in Stormville, New York, which is located within the Southern District of State.

PARTIES

3. Plaintiff Korane Womack is and was, at all times relevant hereto a prisoner in the custody of the State Department of Corrections ("SDoc") At the time of the events relevant hereto, Womack was incarcerated at Green Haven Correctional Facility. Womack is currently incarcerated at Upstate Correctional Facility ("upstate").
4. Defendants Officer Lampon, Officer J. Grover, Officer W. Stevens, Officer C. Gunsett, Officer K. Chase, Officer Blake, Officer Brothers, Officer Palmer, Officer Cabrera was, at all times relevant hereto a Correctional officer at Green Haven.
5. Defendants Sgt. Steven Walrath, Sgt. Buonato, is an SDOC officer with the rank of Sergeant, who at all times relevant hereto was assigned to Green Haven.
6. Defendants Lt. Susan Hahn is an SDOC officer with the rank of Lieutenant, who at all times relevant hereto was assigned to Green Haven.
7. Defendant Registered Nurse Debbie Guattney was, at all times relevant hereto was a Registered Nurse employed or retained by SDOC to provide Medical Services at Green Haven.

8. Defendant Mental Health Nurse Jane Doe was, at all times relevant hereto was a Registered Mental Health Nurse employed to provide Mental Health Services at Green Haven.

COMPLAINT/FACTS

9. On December 7, 2013, at Green Haven Correctional Facility, approximately 9:20 A.M. in A-Block, I was assaulted by numerous Correctional officers on my way to Keep-lock recreation.

10. I was released out of my cell with another inmate who was housed in A4-184 cell for Keep-lock Recreation. I was housed in A4-163 cell.

11. Officer Lampon opened our cell as usual, myself and inmate Rosado walked to the front of A4-Company waiting to be instructed one at a time to be pat frisked. No other individuals were on the company at this time, just myself and inmate Rosado.

12. Correction officer hereby referred to as C.O., C.O. Lampon stepped out of the control booth ("Bubble") standing by the front gate looking at myself. the petitioner herein in a strange manner. I waited to be called out for the pat frisk, C.O. J. Grover and C.O. W. Stevens were also at the front gate conducting pat frisk as well.

13. Another inmate came down the Steps for Keep-lock Recreation, his name is inmate Brown who locked upstairs on A3-Company, while inmate Rosado and myself waited to be directed forward to be pat frisked, C.O. W. Stevens performed the pat frisk and wanded inmate Brown between the stairs and the corridor door.
14. When inmate Brown Pat frisk was completed he was instructed to go out the door and wait for the rest of the Keep-lock recreation inmates, which was inmate Rosado and myself, next to be pat frisked.
15. I was next to be pat frisked, as I started to walk out the front gate on A4-Company C.O. W. Stevens told me, "No the other guy first," referring to inmate Rosado. I complied allowing inmate Rosado to step past me on the company and he (Inmate Rosado) was pat frisked and wanded down in the same manner as inmate Brown was previously. Inmate Rosado was instructed to wait in the corridor along with inmate Brown, the door closed, partially opened.
16. I was then instructed to step forward off the company by C.O. W. Stevens and place my hands on the wall between the stairs and corridor door. C.O. W. Stevens proceeded to pat frisk me while my hands were on the wall, again as his instructions to me.

17. After C.O. W. Stevens completed with the pat frisk on me, he instructed me to hold my arms out in a "T" form shape. I did as instructed by C.O. W. Stevens. C.O. W. Stevens did not use the Wand (Metal Detector) as he normally would, he paused and did nothing.
18. I then heard whispering behind me and noticed another C.O. out the corner of my vision approaching me, walking down the steps from my left side, which was C.O. C. Gunsett. I was still in the "T" position facing the wall between the stairs and corridor door.
19. I was then struck (punched) in the side of my face, I looked back and it was C.O. Lampon who struck me. Officer's W. Stevens, C. Gunsett, J. Grover and K. Chase were standing there also.
20. C.O. Lampon lunged at me, I ran out the partially open door into the corridor hallway. Inmates Brown and Rosado were not there, they were all the way down the corridor hallway at the other end but inmates Brown and Rosado could see me.
21. I was pulled down to the hallway floor from behind. I balled up on my knees and elbows with my hands covering my face and I said "Why ya'll doing this to me, I didn't do nothing." I could hear inmates Brown and Rosado yelling, "Get off him" from down the hallway.

22. I then felt Kicks and Punches to my head and body repeatedly and at the same time Someone was yelling at me to place my hands behind my back and they continued to repeatedly Strike and Kick me. I placed my hands behind my back to be handcuffed leaving my entire Face exposed and Someone punched me in the mouth.
23. The C.O.'s continued to punch my body and Face as I was handcuffed on my Stomach on the floor. Someone grabbed my left hand pinky and ring fingers and proceeded to bend them back well beyond the point of breaking in the opposite direction as a person's hand should be extended. I began to Scream out in extreme pain and anguish.
24. At that point I felt something Sharp being poked through the back of my left hand, the same hand that had moments before been Sadistically broken. The C.O. was poking a handcuff key into my hand with extreme force. The outside hospital medical staff thought the two puncture wounds were from a tazer gun or maybe from a bite. Upon their further examination of the puncture wounds, they determined the two wounds were consistent with the shape of the handcuff key.
25. I was lifted from the floor, off my Stomach and Forcefully Smashed into the Corridor hallway wall Face first. I looked sideways I could see Lt. Susan Hahn Standing at the other end of the hallway watching the officers maliciously and Sadistically assault me with my hands

Cuffed behind my back in a defenseless position.

26. I thought the abuse would end as I was standing against the wall nobody was hitting me anymore at that point, when someone yelled out (He got a weapon) I looked to my side, C.O. K. Chase was holding a weapon (Shank) near my face showing me the weapon laughing.
27. I was slammed on the hallway concrete floor with extreme force, punched and kicked all over my body repeatedly again. At this point I was no longer able to determine who was doing what anymore as I was too traumatized and in severe shock and extreme pain.
28. I was dragged and pulled up, off the hallway floor again, C.O. K. Chase punched me in the side of my face, someone else started hitting me with their stick (Baton). I was continually yelling out from the extreme pain of the stick striking my back, legs and buttocks.
29. I was commanded to stand and face the wall, again I was smashed into the wall by C.O. C. Gunsett. He then yelled out, "why is this Motherfucker still standing?"

30. C.O. Gunsett lifted his knee and Violently Smashed his knee into my rightside rib cage area. I Slumped over and immediately Could barely breathe. I told them I couldn't breathe and that I have asthma between gasp of breath.

31. The C.O.'s ignored me and demanded that I Start walking. I told them I couldn't walk, so they (C.O.'s) dragged me towards Special housing Unit. (S.H.U.) C.O. C. Gunsett had my rightside arm, I can't recall who had my leftside arm.

32. While being dragged down the hallway Corridor by both arms Someone Kicked me directly in my Anus with brutal Force. I don't know what happened after that point, I blacked out unconscious.

33. When I reFocused from unconsciousness in Slow motion, I was Still being held by each arm. I saw a Black Female C.O. Standing in front of me at the PSU/Counselor gate looking at me in a Sad manner. She opened the gate toward the S.H.U. elevator.

34. I was dragged to the elevator up to (SHU) Still in excruciating pain and barely able to breathe.

35. I was then forced to sign SHU papers, even though I clearly needed medical attention. My left hand was mangled and swollen like a softball, with blood dripping from the two puncture wounds. My right side was caved in and hurt so bad I could barely move and breathe, I forced myself to bend over and sign the SHU papers.
36. I was forced to remove my clothing without any assistance, even though they (C.O.'s) still knew I needed serious medical attention. I was then forced to put my clothes back on for the nurse.
37. Registered Nurse D. Gwaltney arrived, I showed her my injuries, the blood on my hand and between gasps for air I told her I had asthma and could barely breathe. RN D. Gwaltney disregarded my medical complaints and she refused to document the true nature of my serious injuries or give me any treatment. I refused to sign the injury reports RN D. Gwaltney presented to me. She exited to area.
38. Mental Health Nurse Jane Doe arrived and I told her I needed medical attention between gasps of air, all she asked me is if I was going to hurt myself, nothing else concerned her. She exited the area.

39. C.O. John Doe, Supervised by Sgt. Buonato took use of Force Photo's and I was forced to remove all my clothing again, still in extreme pain and couldn't breathe very well, every movement I made was sharp, extreme pain and agony.

40. I was again forced to put my cloths back on, which each time became more and more difficult as the pain was unbearable. Out of sheer fear I moved as quickly as I could and then was handcuffed on my broken hand and escorted to the SHU cell without still any medical attention or treatment to my serious injuries, not withstanding my inability to breathe.

41. Once locked in the cell, I calasped on the floor do to the lack of air and extreme pain. I was begging between gasps of air for the other inmates around me to call the C.O.'s for Medical help.

42. What Seemed like hours but may have been around 20 to 45 minutes later, C.O. Blake and other officer's arrived at the cell I was in to transport me to a outside hospital.

43. (Noted:) From the point I exited the SHU cell a C.O. was video taping / recording every movement I made and everything they (C.O.'s) did and did not do to me and or for me from the time they started to take me out the cell, until I arrived at the hospital. All on Video.
44. Once I arrived at Putnam Hospital I was examined, medical staff told me I had 9th and 10th rib fractures. Also fractures to my left hand 3rd, 4th, 5th Metacarpals, a collapsed right lung (Pneumothorax) L1, L2 endplate deformities.
45. I was immediately transferred to Westchester Medical Center via ambulance for surgery.
46. I had surgery on my left hand and a chest tube inserted into my right lung, on December 8, 2013. Screws, pins and Plate were also inserted into my left hand for the rest of my life.
47. The assault that occurred to the plaintiff was in retaliation from a grievance[#] (GH-75980-13) written by the plaintiff on C.O. John Doe Lampon.

48. Prior to being Maliciously and Sadistically assaulted by the Correctional Guards involved, plaintiff Submitted a Harassment grievance Complaint on C.O. John Doe Lampon* (GH-75980-13) (See Exhibit #1) for no reason taking my I.D. Card and not returning I.D. to me. Also for threatening to do me bodily harm and attempting to "Set me up" for the assault by opening the plaintiffs cell a Second time for Keep-lock medication, after plaintiff refused the First time.

49. Plaintiff, also Filed a Grievance Complaint After the actual assault that occurred, which is the basis of plaintiffs Lawsuit Complaint to the court itself* (SUL-21180-13) Filed: Dec. 19, 2013 (See Exhibit #2 and #3) Both Grievances remedies were administratively exsualted.

STATEMENT OF CLAIM

50. At all relevant times herein, defendants were persons for purposes of 42 U.S.C. Section 1983 and acted under color of law to deprive plaintiff of his Constitutional rights as set forth more fully below.

51. Defendants, C.O. John Doe Lampon, C.O. Justine Grover, C.O. Keith Chase, C.O. William Stevens, C.O. Clifford Gunsett, C.O. John Doe Palmer, C.O. John Doe - Brothers, C.O. John Doe Cabrera, Sgt. John Doe Buonato, C.O. John Doe Blake, violated plaintiffs rights to be free of "Cruel and unusual Punishment" in violation to plaintiffs 8th Amendment rights, "Excessive use of Force",

The defendants herein participated in intentionally assaulting the plaintiff

52. Defendant, Sgt. Steven Walrath Submitted False reports in regards to the true nature of the incident, when he was not present during the assault on the plaintiff in violation of plaintiffs 8th Amendment rights.

53. Defendant, Lt. Susan Hahn is liable for not intervening, allowing her fellow co-workers to assault the plaintiff in violation of plaintiffs 8th Amendment rights.

54. Defendants, RN Debbie Gwaltney and Mental Health Nurse Jane Doe refused to give plaintiff immediate Medical care for his serious injuries, defendant RN Debbie Gwaltney also Submitted False injury reports in regards to plaintiffs serious injuries, refusing to document the true nature of the plaintiffs injuries, in violation of plaintiffs 8th Amendment Rights.

PRAYER For RELIEF

55. Plaintiff, request an order declaring that the Defendants have acted in violation of the United States Constitution.

56. These acts represent a pattern of events demonstrating intentional retaliation and assault against Plaintiff by the defendants, causing the plaintiff pain and suffering, furthermore mental anguish as a result.

57. Wherefore, Korane Womack prays for judgement in his favor and damages in his favor against all defendants in the amount of 1.5 Million to compensate him for the pain and mental anguish suffered by him due to the "Excessive use of force" and intentional misconduct of defendants and such additional relief as the court may deem just and proper.


58. I understand that the court shall dismiss this if I give a false answer to any questions in this declaration.

59. I declare under penalty of perjury that the foregoing is true and correct.

Signed this 24 day of July, 2015.

x Korane Womack

WOMACK 05B0022 ATTICA

 STATE OF NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION	Grievance Number GH-75980-13	Desig./Code I/49	Date Filed 10/22/13
	Associated Cases		
	Facility Green Haven Correctional Facility		
INMATE GRIEVANCE PROGRAM CENTRAL OFFICE REVIEW COMMITTEE		Title of Grievance Harassment	

8/20/14

GRIEVANT'S REQUEST UNANIMOUSLY DENIED

Upon full hearing of the facts and circumstances in the instant case, the action requested herein is hereby denied. CORC upholds the determination of the Superintendent for the reasons stated.

CORC notes that this matter has been properly investigated by the facility administration. CO L... denies taking the grievant's ID card and keeping it. He states the one given to the grievant came from the ID room. CO L... also states that the grievant was issued a misbehavior report on 10/12/13 for not returning to the housing unit after his one hour of exercise in accordance with FOM #203. CO L... denies opening the grievant's cell a second time for keeplock medication on 10/13/13. Sgt. C... states that the grievant asked him about a lost ID card, but did not address any other issues.

CORC notes that a disciplinary hearing may be appealed in accordance with 7 NYCRR, Chapter V, and that this appeal mechanism affords the opportunity to remedy any factual or procedural errors in a disciplinary report.

With respect to the grievant's appeal, CORC has not been presented with sufficient evidence of malfeasance by staff and notes that he has been released to Community Supervision.


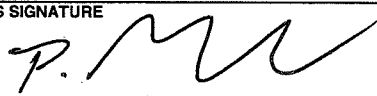
SLE/rjq

SEP 18 2014

**Inmate Grievance Program Office
Sullivan Correctional Facility**

To: Womack, K. 05B0022 ISO Room #2
FROM: IGP Office, Mr. G. Ter Bush
Date: December 19, 2013
RE: Grievance

This is to inform you that your grievance dated December 16, 2013 was received and is being processed under grievance number SUL/21180/13, code 49, staff conduct.

 <p>STATE OF NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION</p> <p>INMATE GRIEVANCE PROGRAM SUPERINTENDENT</p>	GRIEVANCE NO: SUL 21180-13	DATE FILED 12/19/13
	FACILITY Sullivan CF	POLICY DESIGNATION I
	TITLE Assaulted By Staff.	CLASS CODE 49
	SUPERINTENDENT'S SIGNATURE  Patrick J. Griffin, Superintendent	
Grievant K. Womack	DIN # 05B0022	HOUSING UNIT SHU-256

Grievance SUL 21180-13 has been investigated by executive level staff at Green Haven and Sullivan Correctional Facilities. Investigations reveal staff had to use force on 12/07/13 at Green Haven Correctional Facility to remove a weapon from grievant, place him in restraints and escort him to SHU. Staff mentioned in grievance have gone on written record denying any assault or unprofessional conduct towards grievant. Based on above information grievance is denied.

Inmate (2)
File

APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent, please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) working days from receipt of this notice to file your appeal. Please state why you are appealing this decision to the C.O.R.C. I am appealing this decision, because the Story (Fabricated Misbehavior Reports) of the C.O.'s involved have Assaulted numerous prisoners and planted weapons on them. I never possessed any weapon and I will prove it in the court of law in the near future. You May attempt to cover up that I was Maliciously Assaulted, but the truth will prevail. **Dec. 31, 2013**

GRIEVANT'S SIGNATURE

DATE

GRIEVANCE CLERK'S SIGNATURE

DATE